

**City of Alamo Heights
BOARD OF ADJUSTMENT
MINUTES**

November 19, 2008

The Board of Adjustment held its regularly scheduled meeting in the Council Chambers at 6120 Broadway on Wednesday, November 19, 2008 at 5:30 p.m.

Members present and composing a quorum of the Board:

Bill Orr – Chairman
Susan Wilson –Vice Chair
Gregg Chislett
Grant McFarland
Hall Hammond, Alternate

Members Absent:

Andrew Herdeg, Alternate

Staff Members Present:

Ann McGlone, Community Development Director
Gracie Flores, Community Development Representative
Kathy Rodriguez, Community Development Coordinator

The meeting was called to order by Mr. Orr at 5:32 p.m.

Mr. Chislett made a motion to approve the minutes from September 10, 2008 as submitted. Mr. Hammond seconded the motion.

The motion was approved with the following vote:
FOR: Orr, Wilson, Chislett, McFarland, Hammond
AGAINST: None

Ms. Wilson made a motion to approve the minutes from September 24, 2008 as submitted. Mr. Hammond seconded the motion.

The motion was approved with the following vote:
FOR: Orr, Wilson, Chislett, McFarland, Hammond
AGAINST: None

Ms. Wilson made a motion to approve the minutes from October 1, 2008 as submitted. Mr. Hammond seconded the motion.

The motion was approved with the following vote:
FOR: Orr, Wilson, Chislett, McFarland, Hammond
AGAINST: None

CASE NO. 1991

**Brightleaf Partners, owner, represented by Lyndsay Thorn, architect, is requesting a variance to provide a front yard wall height of 6 ft. instead the required 3 ft. on property zoned MF-D.
The applicant is proposing to construct a wall behind the mail box.**

Ms. McGlone informed the Board that the applicant was not present.

A motion was made by Ms. Wilson to move Case Number 1993 to the end of the agenda to give the applicant an opportunity to show. The motion was seconded by Mr. Hammond.

The motion was approved with the following vote:

FOR: Orr, Wilson, Chislett, McFarland, Hammond

AGAINST: None

CASE NO. 1995

125 Stonecrest Dr., Joyce Haas, owner, represented by Ruben Guajardo, designer, is requesting a variance to provide 1) a driveway side yard setback of 3 ft. 11 in. instead of the required 15 ft.; 2) a total side yard setback of 9 ft. 11 in. instead of the required 23 ft. 6 in. on property zoned SF-A.

Mr. Ruben Guajardo, designer, explained to the Board that he felt it would be beneficial for the owner to have the bedroom on the first floor because of an illness. Mr. Chislett asked if there had been any comments or concerns from any neighbors. Staff stated that there had not been any comments.

A motion was made by Mr. McFarland to approve Case No. 1995 as submitted. The motion was seconded by Mr. Chislett.

The motion was approved with the following vote:

FOR: Orr, Wilson, Chislett, McFarland, Hammond

AGAINST: None

CASE NO. 1996

120 Wildrose Ave, John and Susan Gaines, owners, represented by Richard Garison, architect, are requesting a variance to provide 1) an exterior side wall length without an offset of 49 ft. 7.5 in. instead of the required 30 ft. maximum; 2) a driveway side yard setback of 9 ft. 1 in. instead of the required 10 ft. minimum; 3) an 11 ft. 6 in. side gable exception instead of the 6 ft. exception; 4) a 17 ft. 2 in. side gable exception instead of the required 6 ft. exception on property zoned SF-A.

Mr. Richard Garison, designer, explained to the Board that the proposed design was from Southern Living Magazine and he had minimized the size of the rooms but still required the variances. Mr. John Gaines, owner, explained that his wife was diagnosed with Muscular dystrophy and the house design would accommodate their needs. Mr. Gaines stated that he had obtained signatures from surrounding neighbors who approved of the design. There was discussion about the hardship of the illness being a true hardship for obtaining the variances. Mr. Garison stated that the design as presented, meets the Design Guideline standards and felt that each design should be considered on a case by case basis. Mr. Martin Fuller, 139 Wildrose, stated that he was in favor of the design.

A motion was made by Mr. Hammond to approve Case No. 1996 as submitted. The motion was seconded by Ms. Wilson.

The motion was approved with the following vote:

FOR: Orr, Wilson, McFarland, Hammond

AGAINST: Chislett

CASE NO. 1991

100 Castano Ave., Brightleaf Partners, owner, represented by Lyndsay Thorn, architect, is requesting a variance to provide a front yard wall height of 6 ft. instead the required 3 ft. on property zoned MF-D. The applicant is proposing to construct a wall behind the mail box.

Ms. Alex Travastos, Thorn & Graves Architects, explained that variance was needed in order to give a sense of privacy between the two center units. Ms. Wilson explained that when the case was originally presented, Mr. Thorn was instructed to come back and present the Board with a visual of how the final design would look. Ms. Travasto explained that she was under the impression that she needed to prove that a hardship existed. Ms. Travastos noted that the hardship would not be a land hardship but a privacy hardship for the future owner of that unit. There was discussion about the hardship being a legitimate hardship. Ms. Travastos requested the Board continue the case to give Lyndsay Thorn the opportunity to present the case as requested. Ms. Susie Bettac, 126 Rosemary, explained that this case had been presented to the Architectural Review Board four times and had many opportunities to change the wall. Ms. Bettac explained that there were never any discussions mentioning the wall. Ms. Bettac noted that she felt the hardship was self inflicted and could have been corrected in advance.

A motion was made by Mr. Hammond to continue Case Number 1991 to the January 7, 2009 Board of Adjustment meeting. The motion was seconded by Mr. Chislett.

The motion was approved with the following vote:

FOR: Orr, Wilson, Chislett, McFarland, Hammond

AGAINST: None

EXTENSIONS

Cases 1976, 119 Encino, request for a 90 day extension of previously approved variances.

Mr. Chislett made a motion to approve the 90 day extension request. It was seconded by Mr. McFarland.

The motion was approved with the following vote:

FOR: Orr, Wilson, Chislett, McFarland, Hammond

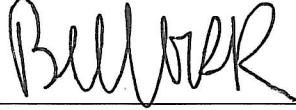
AGAINST: None

CITIZENS TO BE HEARD


Ms. Kathy Friesenhahn, 300 Torcido, requested that the written reports of the certified arborist who were involved in the case pertaining to 308 Torcido be included in the minutes for that meeting date. Ms. Friesenhahn, asked for a confirmation of the court appeal date. Ms. McGlone explained that we do not include attachments to any minutes but the reports will be included in the case folder as a record. Ms. McGlone explained that the City Attorney would determine the appeal date.

There being no further business, the meeting adjourned.

THE PROCEEDINGS OF THE BOARD OF ADJUSTMENT ARE ALSO RECORDED ON COMPACT. THESE MINUTES ARE THE OFFICIAL RECORD OF THE PROCEEDINGS CONTAINED HEREIN. THESE MINUTES ARE NOT A VERBATIM TRANSCRIPT OF THE PROCEEDINGS AND DO NOT PURPORT TO INCLUDE ALL EVIDENCE PRESENTED OR STATEMENTS MADE.



Bill Orr, Chairman



Gracie Flores
Recording Secretary

1-7-2009

Date Signed & Filed